

CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

MONDAY, DECEMBER 20, 2004
COUNCIL CHAMBERS
THIRD FLOOR, HONOLULU HALE
3:00 P.M.

MINUTES

Charter Commission Members Present:

Andy Chang
Gordon Grau
Amy Hirano
Jared Kawashima
Darolyn Lendio
Stephen Meder
Jeff Mikulina
James Myers
Jan Naoe Sullivan
Donn Takaki

Charter Commission Members Excused/Absent*:

Jerry Coffee
Malcolm Tom

*As of December 20, 2004, the nomination of John Whalen by Mayor Jeremy Harris, was pending Council confirmation. As of January 26, 2005, the nomination of James C. Pacopac by Mayor Mufi Hannemann was pending Council confirmation.

Others Present:

David Z. Arakawa, Corporation Counsel, Department of the Corporation Counsel
Diane T. Kawauchi, Deputy Corporation Counsel and Division Head, Counseling and Drafting Division, Department of the Corporation Counsel
Dawn D. M. Spurlin, Deputy Corporation Counsel, Department of the Corporation Counsel
Lori K. K. Sunakoda, Deputy Corporation Counsel, Department of the Corporation Counsel

Denise C. De Costa, City Clerk
Donovan M. Dela Cruz, Chair, Honolulu City Council
Lance Tomasu, Aide to Council Chair Dela Cruz

Benjamin B. Lee, FAIA, Managing Director, City and County of Honolulu

League of Women Voters Representatives (2)

I. Introduction of Members

Each of the members present introduced themselves.

II. Administration by the City Clerk of the Oath of Office

Prior to the administration of the oath of office by City Clerk Denise C. De Costa, Commission Member Darolyn Lendio and other Commission members requested clarification regarding the parameters of the meeting in light of the pendency of the confirmation of Charter Commission nominee John Whalen.

Corporation Counsel David Z. Arakawa informed the Commission Members that the Commission Members are not precluded from meeting and being sworn in today prior to the confirmation of the Charter Commission nominee John Whalen; however, perhaps it is more prudent to wait until the thirteenth member is confirmed. Corporation Counsel Arakawa further stated that whatever the Commission's inclination, the Department of Corporation Counsel would defend the Commission's position.

Council Chair Dela Cruz addressed the Commission members and explained the Council procedures and scheduling relating to the confirmation of Board and Commission nominations/appointments. Council Chair Dela Cruz urged the Commission Members to avoid any further delay and that the Commission's delay in timely submitting its proposed budget would be "a disservice" to the City and County of Honolulu. Council Chair Dela Cruz further stated that the Commission's proposed budget needs to be "final" in February 2005 in anticipation of meeting the Council's submission deadline of March 2, 2005, and indicated that the Commission could establish a subcommittee in the interim.

Following discussion among the Commission Members, a consensus was reached with regard to proceeding today subject to later ratification with regard to matters consisting of the administration of the oath (swearing in of the members present), selection of a Chair Pro Tempore and formation of a subcommittee to begin the process of compiling the necessary historical and other relevant information relating to the Commission's anticipated preparation of the Commission's proposed budget and submittal of same to Council within the established Council submission deadlines.

III. Call to Order by Chair Pro Tempore

See Agenda Item No. IV(c)(1), at paragraph 3.

IV. New Business

a. Election of Officers of the Commission

See Agenda Item No. IV(c)(1), at paragraph 3.

b. Decision of Meeting Times and Locations for the Commission

(1) Announcement of Date and Location of Next Meeting

The next date, time and location of the next Charter Commission meeting was discussed and scheduled for Monday, January 31, 2005 at 3:00 p.m., Council Chambers, Third Floor, Honolulu Hale.

Council Chair Dela Cruz informed the Commission that he would be contacting State of Hawaii Office of Information Practices (“OIP”) Director Les Kondo and the Chair Pro Tempore, to coordinate the scheduling of an informational briefing by OIP on the Sunshine Law for the Commission Members.

c. Discussion and Decision on Staffing Requirements to Service the Commission

(1) Discussion on the Budget for the Commission

Commission Member Andy Chang indicated that it would be helpful to have information relating to the budgets submitted by the prior Charter Commissions and requested that such information be located and provided to the Commission for review.

In response to Council Chair Dela Cruz’s comments regarding the formation of a subcommittee to facilitate the Commission’s preparation of a proposed budget for Council approval and hiring of staff to assist the Commission, Commission Member Lendio volunteered to serve on a subcommittee to assist in gathering information concerning the preparation of the Commission’s proposed budget including information regarding Commission personnel issues, e.g., recruiting and selection, and hiring of Commission staff, etc., which would be subsequently provided to the Commission for review.

Commission Member Donn Takaki indicated that he was willing to volunteer to serve on the subcommittee. Pursuant to Corporation Counsel Arakawa’s recommendation that a temporary Chair be elected in the interim, Commission Member Jared Kawashima nominated Commission Member Donn Takaki to serve as Chair Pro Tempore and Chair of the Commission’s Budget Subcommittee. Commission Member Takaki’s nomination was seconded by Commission Member Amy Hirano. By unanimous vote of the 10 members present Commission Member Takaki was elected Chair Pro Tempore and Chair of the Commission's Budget Subcommittee.

d. Discussion and Decision on the Adoption of Rules of Practice and Procedure

Discussion and/or action on this item was deferred pending the election and ratification of the election of a permanent Commission Chair. *See* Agenda Item II at paragraph 4.

- e. Presentation by the Corporation Counsel on the Charter Commission's Purpose and Function, and Review of Activities of Prior Charter Commissions
- (1) Overview of Commission Responsibilities
 - (2) History of the Charter Commission
 - (3) Activities of prior Charter Commissions (1972, 1992, and 1998 Charter Commissions)
 - (4) Prior Charter Commission ballot questions

Deputy Corporation Counsel Diane T. Kawauchi provided a brief summary of the background and informational materials compiled by the Department of Corporation Counsel and provided to each Commission Member consisting of:

- First Meeting Agenda, December 20, 2004;
- City Charter and 2003 Supplement;
- Rules of the 1992 Charter Commission;
- Rules of the 1998 Charter Commission;
- Resolution No. 04-178, CD2, FD1;
- Charter Commission Contact List;
- Chronology of Honolulu Charter Commissions (in the modern era);
- Annual Departmental and Agency Report of the City and County of Honolulu for Fiscal Year 2002-03 (published copies are not available but the report can be found on the City's website:
<http://www.honolulu.gov/csd/publiccom/index.htm>);
- Annual Departmental and Agency Report of the City and County of Honolulu for Fiscal Year 2003-04 (report is presently being printed and will be available for distribution in January 2005);
- 1971-72 Final Report of the Charter Commission;
- 1982 Final Report of the Charter Commission;
- 1991-92 Final Report of the Charter Commission (portions);
- 1998 Final Report of the Charter Commission (portions); and
- Chapter 92, Hawaii Revised Statutes ("Sunshine Law")

Corporation Counsel David Z. Arakawa and City Managing Director Benjamin B. Lee provided a brief overview to the Commission Members regarding the 1998 proposed amendments (which included the consolidation and reorganization involving the Department of Planning and the Department of Planning and Permitting, the Department of the Budget and the Department of Budget and Fiscal Services, and the Office of Information and Complaint, the Municipal Reference and Records Center, and the Drivers' Licensing and Motor Vehicle Registration functions, exemption of deputy directors from civil service positions, authorization of Corporation Counsel to prepare the language relating to the revisions to the Charter document reflecting the reorganization plan recently

adopted by the Mayor and Council) submitted for the electorate's consideration by the 1998 Charter Commission.

Corporation Counsel Arakawa also provided a brief overview of the recent Charter Amendment Proposals, which were introduced but not adopted by the Council.

V. Adjournment

The meeting adjourned at approximately 5:10 p.m.

Respectfully submitted,

Lori K. K. Sunakoda
Deputy Corporation Counsel¹

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¹Pending either the election of a Commission member to serve as the Commission's Secretary, or the recruitment and hiring of a non-Commission member to provide clerical support and prepare the Meeting Minutes, the Department of Corporation Counsel volunteered to prepare the Minutes of the December 20, 2004 Commission meeting.